



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 7

MAIL

MAY 25 2004

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2800**

DECISION ON PETITION

Lawrence S. Cohen, Attorney
Suite 1220
10960 Wilshire Boulevard
Los Angeles CA 90024

In re Application of :
Robert A. Lieberman, et al. :
Application No. 10/002,759 :
Filed: October 31, 2001 :
For: SURVEILLANCE SYSTEM AND METHOD :

This is a decision on the request filed April 13, 2004, which is treated as a Petition to Withdraw the Holding of Abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The application was held abandoned for failure to respond to the Office Communication mailed on October 21, 2003, which set a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of the Office Communication, whichever is longer, to submit a complete reply to the Non-final Office Action mailed June 20, 2003. A Notice of Abandonment was mailed on March 19, 2004.

Petitioner alleges to have timely filed a proper response to the Non-final Office Action mailed June 20, 2003. In support, petitioner has provided as evidence, a copy of the response to the Non-final Office Action, which included a Certificate of Facsimile Transmission to an Office facsimile number (703) 746-5838 with a transmission date of October 20, 2003. The Certificate of Facsimile Transmission was signed by the Practitioner, who is also the instant Petitioner. In further support of the petition, Petitioner has provided a Facsimile Activity Report that shows a complete Facsimile transmission on the same date to the Office.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. [emphasis added]

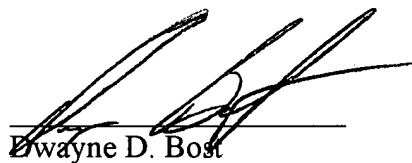
The telephone referred to in the petition is the personal fax number of SPE Daniel Wu (AU2632). Therefore, it is concluded that the papers were timely filed via facsimile transmission to a facsimile number of the U.S. Patent and Trademark Office in compliance with the requirements of 37 CFR 1.8(a)(1).

Accordingly, Petitioner has complied with the requirements of 37 C.F.R. §1.8(b) above. The petition is **GRANTED**.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to the technical support staff for entry of the amendment which accompanied the petition. Thereafter, the application will be forwarded to the examiner for appropriate action in due course.

Petitioner is reminded that the Official Facsimile Number for all incoming correspondence to the Office is (703) 872-9306. Petitioner may want to note this number in order to avoid any future correspondence problems.



Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications